Minutes of the Meeting of
Louisiana State Board of Architectural Examiners
Baton Rouge, Louisiana
December 14, 2012
10:30 AM

Attending

Robert W. McKinney, President presiding
Allen Bacqué
Creed Brierre
J. David Brinson
John Cardone, Jr.
Richard LeBlanc
Teeny Simmons, Executive Director
Paul H. Spaht, Board Attorney
Robert Eddleman, Board Investigator

Call to Order

1. The meeting was called to order by the President.

Minutes Approved

2. The minutes from the meeting held September 21, 2012, were approved as written.

IDP Report

3. Ms. Marsha Cuddeback, IDP State Coordinator, was unable to attend the meeting.

Executive Director's Report

4. The Executive Director reported the following:

   A. Preparation for 2013 renewals. Process 2012 firm renewals and delinquent firm renewals.

   B. Processing 2013 renewals.

   C. Preparation for Newsletter.

   D. Preparation and distribution of Customer Service Questionnaire.

   E. Attendance:

      1. September 27 through 29 – AIALA Design Conference and New Licensee Award Luncheon/Lafayette.
      2. October 31 through November 4 – MBE/Boston
      3. December 6 – FMO roundtable with McKinney.

Legal

5. Mr. Spaht presented the following legal matters:

   A. Rule § 1303 (Architect's Seal or Stamp) – The board reviewed the NOI published on November 20, 2012 in the Louisiana Register proposing to amend Rule § 1303 by providing for the shape, size, and design of the architect's seal. The NOI was reviewed for informational purposes, as insufficient time had expired for adoption of this amendment.

B. General Disciplinary Guidelines – The board reviewed the NOI published on November 20, 2012, in the Louisiana Register proposing to adopt Rules §§ 1905 and 1907 by providing as to the normal discipline which will be imposed by the board for particular violations of the licensing law or board rules absent aggravating or mitigating circumstances, identifying aggravating and mitigating circumstances which the board may consider when imposing discipline, and describing circumstances which the board will not consider when imposing discipline. The NOI was reviewed for informational purposes, as insufficient time had expired for adoption of these rules.

C. Military Bill – The board reviewed a proposed rule drafted by Dan Taylor of NCARB for the purpose of implementing the requirements of Act 276 of 2012 (the "Military Bill"). The board also reviewed Act 276 of 2012, such Act's digest, Lane Carson's letter dated August 6, 2012, and various emails relating to the Military Bill. After discussion, the board instructed its attorney to draft a proposed rule implementing the requirements of the Military Bill for consideration at the next meeting.

D. Writing Specifications – Name of PAC – The board reviewed a letter dated November 5, 2012 from Robert V. Swan. Mr. Swan, an architect emeritus, asked two questions: (1) whether the sentence which he typically includes in his letter agreement with an architect, "[i]t is your duty to review and stamp the architectural specification sections as the Professional of Record" is in compliance with the Architect's Licensing Law, and (2) whether his limited liability company may be named, "Construction Document Consultants, LLC, A Professional Architectural Corporation."

After discussion, the board concluded that the sentence used by Mr. Swan in his agreement with an architect could be better written, "[i]t is your duty to exercise responsible supervision of the preparation of the architectural specification sections as the Professional of Record." The board further concluded that Mr. Swan's limited liability company could not use the name, "Construction Document Consultants, LLC, A Professional Architectural Corporation" for a number of reasons, including that Mr. Swan's company was a limited liability company (not a professional architectural corporation), and Mr. Swan's company did not meet the requirements of the Professional Architectural Corporations Law, La. R.S. 12:1086, *et seq*. More specifically, Mr. Swan's limited liability company does not meet the requirements of R.S. 12:1086.A (which defines a "professional architectural corporation"), R.S. 12:1090.B (providing that a majority of the outstanding share of a professional architectural corporation shall be held by one or more natural persons duly licensed to practice architecture in this state), R.S. 12:1095.B and 1095.D (concerning the board of directors of a Professional Architectural Corporation), or R.S. 12:1097.B (providing that architectural services rendered on behalf of a professional architectural corporation must be performed by or under the direct supervision of a natural person duly licensed to practice architecture in this state). The executive director will so advise Mr. Swan.

E. Emeritus Status/OFM Plan Reviewer -- The board reviewed an email dated December 4, 2012, from John Laudun. Mr. Laudun advised that he has been licensed since 1965, is seventy-eight (78) years on this earth, has worked for the Fire Marshall for the last sixteen (16) years, and is anticipating submitting for emeritus status. He

asked, "[w]ould the Emeritus Status affect my position with the Fire Marshall's office." The board understands that Mr. Laudun is a plan reviewer for the OFM.

The board is not familiar with whatever employment agreement or other requirements pertain to Mr. Laudun's employment with the Fire Marshall, and the board is thus unable to answer his question concerning whether his taking emeritus status will "affect" his position with the Fire Marshall. At the same time, if Mr. Laudun decides to submit for emeritus status, his emeritus status will not disqualify him from reviewing drawings as a plan reviewer for the Fire Marshall insofar as the Architects Licensing Law (La. R.S. 37:141 et seq.) is concerned. The executive director will so advise Mr. Laudun.

F. Fire Marshall Round Table – The board reviewed various documents pertaining to a meeting of the Fire Marshall Round Table that occurred on December 6, 2012, including Mr. McKinney's notes concerning this meeting. Mr. McKinney reported on the discussions at this meeting. The meeting concerned design responsibility and other issues related to the design of sprinkler, fire alarm and other protection systems. After discussion, it was decided that Mr. McKinney, Mr. Blitch, and Mr. Brinson will serve on a committee of the board which will meet with the LAPELS board or committee to discuss this issue.

G. Continuing Education Credit for Completion of University Hours -- The board reviewed various documents pertaining to Jay Caillouet's request for continuing education credit for his course work in obtaining a Masters Degree in Historic Preservation at Tulane University, including his letters dated October 1 and December 1, 2012, the Practicum Report, Ms. Simmons' letter dated March 22, 2012, and Board Rule § 1315.F.1.e. Rule § 1315.F.1.e provides:

> e. Successfully completing one or more college or university semester or quarter hours shall satisfy the continuing education hours for the year in which the course was completed.

The documentation which Mr. Calliouet provided showed that he had completed eighteen (18) hours of course work in the fall of 2011. Accordingly, Mr. Calliouet's course work satisfied his continuing education requirements for 2011.

If Mr. Calliouet provides a transcript or other such evidence showing that he completed one or more college or university semester or quarter hours during 2012, the board will allow his completion of such course work to satisfy his continuing education requirements for 2012. The executive director will so advise Mr. Calliouet.

H. Enforcement Report – The CRC at its September meeting authorized the issuance of four (4) Consent Orders.

Mr. Eddleman opened five (5) cases since the September meeting and at the direction of the CRC closed one (1) case. In addition, Mr. Eddleman closed three (3) cases due to a ratified Consent Order, cease and desist letter, and no violation.

Mr. Eddleman referred three (3) cases to CRC for review.

1. Two (2) cases of unlicensed practice.
2. One (1) case of non licensee signing licensee's name to an application to a FMO plan review application.

I. CRC Matters – Mr. Eddleman presented the following CRC matter:

Case # 2009-11 – Melancon Ortega Designs, LLC – Mr. Eddleman reported on a case where the firm was listed in the yellow pages of the New Orleans, Louisiana telephone directory under the heading of architects. The respondent has signed and returned the proposed Consent Order offered by the CRC. After discussion, the Board unanimously approved a motion made by Mr. LeBlanc, seconded by Mr. Brinson, to approve the signed Consent Order.

6. The Customer Service Questionnaire results were reviewed.

Budget Report

7. The November, 2012 budget report was reviewed.

8. The proposed 2013 meeting dates were approved.

Friday, March 1
Friday, June 14
Friday, September 30
Friday, December 13

Robert W. McKinney 6/7/13

Date

Robert W. McKinney, President

Creed W. Brierre, Secretary